

Judge Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEON LETROY ANDERSON,

a/k/a Leon Letroy McCray,

a/k/a Tajah Malik Anderson,

a/k/a Letarius Jermaine Anderson,

a/k/a William Turk,

a/k/a James Anthony Rembert Jr.,

a/k/a Phillip David Walker,

a/k/a Phillip Waeker,

a/k/a Codie Michael Charles Hugueley,

a/k/a Shawn Michael Ketchum,

a/k/a Michael Ketchum,

a/k/a Orlando Lorenzo Lasanta,

a/k/a Jason Lorenzo Ketchum,

a/k/a Jason Keichum,

a/k/a John Andrew Keay,

a/k/a Sean Alexandre Skipwith,

a/k/a Sean Andre A. Skirwith,

a/k/a Sean A. Skibwith, and

a/k/a Brian Devon Harper,

Defendant.

No. CR09-5397RBL

GOVERNMENT'S SENTENCING
MEMORANDUM

The United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Arlen R. Storm, Assistant United States Attorney for said District, hereby submits its Sentencing Memorandum in the above-entitled case.

I. BACKGROUND

Scheme Overview

Between March 27, 2000, and May 29, 2008, Leon Anderson legally changed his name on 12 separate occasions. After obtaining valid driver's licenses in each of these names, Anderson used the driver's licenses, along with false Social Security Numbers, to open 24 bank accounts at various banks, including Bank of America ("BoA"), Key Bank, and Wells Fargo Bank.

Anderson deposited nominal amounts of cash into the checking accounts he opened, and, in addition, often fraudulently inflated the checking account balances by depositing NSF checks written on previously closed accounts. After the banks credited funds to Anderson's checking accounts for the NSF checks he deposited, but before the drawee banks returned the checks as uncollectible, Anderson wrote personal checks on the checking accounts and used ATMs to withdraw money from them. During the eight-year term that Anderson operated the scheme, he wrote NSF checks having a total value of approximately \$100,000¹ to approximately 71 merchants.

Anderson's Use of the Name "Sean Skipwith" - Including to Commit Count 4 of the Indictment

On March 26, 2004, Anderson submitted a Petition for Change of Name to the King County District Court, in order to change his name from John Andrew Keay, to Sean Alexandre Skipwith. On March 29, 2004, Anderson obtained a Washington State Driver's License in the name of Sean Alexandre Skipwith.

On May 8, 2006, Anderson obtained BoA account no. XXXX1045 - using a derivation of the name Skipwith, that is "Sean A. Andre Skirwith," and the false SSN of XXXX2827. In order to inflate the account balance, on May 10, 2006, at Lakewood, Washington, Anderson fraudulently deposited a \$1,300 check which was written on a closed Columbia State Bank account that his coconspirator, Curtis Craft, previously had

¹ While Anderson committed the offense with Curtis Craft, this loss figure does not include the loss caused by Craft. Craft was sentenced by this Court to 84 months' imprisonment.

1 opened in the name of "Karl B. Giggy." By June 5, 2006, Anderson had written
2 approximately \$4,662 in NSF checks on the account. Accordingly, BoA closed it on
3 June 5, 2006.

4 Four years later, Anderson was still using derivations of the name Skipwith to
5 conduct the scheme. On January 17, 2008, at Tacoma, Washington, Anderson obtained
6 BoA account no. XXXX0387 - using the name "Sean A. Skibwith" and the false SSN of
7 XXXX3965.

8 According to employees of Steve's Bridgeport Gas, on March 7, 2008, April 15,
9 2008, and May 21, 2008, Curtis Craft used NSF checks, which had been written on bank
10 accounts opened in the names of "Ourtis L. Craft" and "Eric C. Ollifford," to purchase
11 gas. Accordingly, after Craft, Anderson, and others went to a parking lot near Steve's
12 Bridgeport Gas on May 29, 2008, employees notified the police. Responding officers
13 observed Craft and Anderson, among others, get into a gold Lexus and white van.

14 Upon stopping the Lexus, officers arrested Craft. During a search incident to
15 arrest, officers located a wallet on the floor of the car where Craft was seated. In it,
16 officers found, among other documents, Wells Fargo Bank checks issued on the account,
17 no. XXXX0387, that Anderson had opened in name of Sean A. Skibwith on January 17,
18 2008. Upon stopping the white van, officers contacted Anderson. Anderson identified
19 himself as Sean Alexandre Skipwith.

20 II. GUIDELINE CALCULATIONS

21 The government agrees with the Presentence Report ("PSR") that Anderson's
22 offense level is 18, that his criminal history category is III, and that the resulting
23 applicable guideline range is 33 to 41 months' imprisonment.

III. RECOMMENDATION

The government recommends a sentence of 36 months' imprisonment, to be followed by a term of three years of supervised release. The government also recommends restitution in the amount of \$100,814.71.²

Leon Anderson dedicated eight year of his life - from March 27, 2000, to May 29, 2008 - to the operation of the scheme for which he now stands before the Court. In order to carry it out, he took the extraordinary step of legally changing his name on 12 occasions. At the end of the day, he had stolen approximately \$100,000 from scores of businesses, both large and small, and three banks. In light of the extensive nature of the offense, the government believes that a sentence of 36 months' imprisonment will reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense.³

In addition, Anderson's history and characteristics suggest that a significant term of incarceration is warranted. Anderson appears to have participated in the scheme to the exclusion of engaging in any substantial term of legal employment (PSR §§ 69-70). During 2003, moreover, Anderson's wife reported to the police that he punched her in the head so hard that it made her dizzy and that he had hit her many times before (PSR § 29). While in his statement to the Court, Anderson asserts that he has turned over a new leaf, the government feels uneasy accepting Anderson's contrition at face value. The

² While the actual loss is \$103,805, the government could not find three victims' addresses. In order to avoid confusion regarding where restitution for these victims should be mailed, the government has removed their losses from the restitution spreadsheet.

³ In imposing sentence, the Court must consider the sentencing range calculated under the Guidelines, together with the other factors set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the history and characteristics of the defendant; (3) the need for the sentence to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (4) the need for the sentence to afford adequate deterrence to criminal conduct; (5) the need for the sentence to protect the public from further crimes of the defendant; (6) the need to provide the defendant with educational and vocational training, medical care, or other correctional treatment in the most effective manner; (7) the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the need to avoid unwarranted sentence disparity among defendants involved in similar conduct who have similar records. 18 U.S.C. § 3553(a).

1 government notes that Anderson previously has shown no hesitation in misrepresenting
2 the facts to the authorities when he believed that doing so would benefit him (PSR §§ 34,
3 35, 45, 49).

4 DATED this 11th day of January, 2010.

6 Respectfully submitted,

7 JENNY A. DURKAN
8 United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

/s/ Jeanne Farnea
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